



#15 DAC
Atty. Dkt. No. 082671-0105
Serial No. 09/357,103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cees A. van der Voort
Title: Lily Plant Named 'Bernini'
Appl. No.: 09/357,103
Filing Date: July 19, 1999
Examiner: A. Grunberg
Art Unit: 1661

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned on January 27, 2003, for improperly filing of RCE. Applicants filed a CPA on December 2, 2002, which does not require filing a response to any outstanding Office Action. An earlier CPA was filed September 28, 2001, thus the PTO converted the subsequent CPA filed on December 2, 2002 to RCE. Because the RCE was not accompanied by a response to the outstanding Office Action of June 30, 2002, the application was abandoned.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
 - (2) Petition fee (37 C.F.R. § 1.17(m));
 - (3) Statement that the abandonment was unintentional; and
 - (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).
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- (1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Office Action in the form of an amendment to the June 30, 2002, Office Action is enclosed herewith.

- (2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$665.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the small entity fee for this petition.

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665.00 OP

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002.1133929.1

RECEIVED
JAN 15 2004
OFFICE OF PETITIONS

RECEIVED
JAN 16 2004
CANCELLED
OFFICE OF PETITIONS

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date

January 12, 2004

FOLEY & LARDNER
Customer Number: 22428
22428

PATENT TRADEMARK OFFICE

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By

Richard C. Peet

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